

**** E-filed December 12, 2011 ****

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Attorneys for Plaintiff, West Marine, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

WEST MARINE, INC.

Plaintiff,

vs.

WATERCRAFT SUPERSTORE,
INC., and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. 5:11-cv-04459-HRL

STIPULATION AND ~~[PROPOSED]~~
ORDER

1 The parties in this case have reached a stipulation that they jointly request to be
2 entered as an order of the Court. This stipulation revising the previously proposed and
3 approved briefing schedule regarding Defendant Watercraft Superstore's motion to
4 dismiss or, in the alternative, transfer venue, is entered into by and between Plaintiff and
5 Defendant through their counsel of record.

6 **RECITALS**

7 This Stipulation is entered into with reference to the following facts:

8 A. The parties' prior stipulation, as modified by the Court, provided that the
9 deposition of Defendant regarding jurisdictional matters would be completed no later
10 than December 19, 2011, set December 14, 2011, as the deadline for Plaintiff to file its
11 opposition to Defendant's motion to dismiss or, in the alternative, transfer ("motion"),
12 and set December 21, 2011, as the deadline for Defendant to file its reply.

13 B. Following the parties' prior stipulation the Court set a hearing date of
14 January 10, 2012, on Defendant's motion.

15 C. Due to scheduling conflicts, the parties were unable to schedule the
16 deposition in the month of November, and Defendant is not available in the month of
17 December or prior to January 13. As a result, the parties have been unable to schedule
18 the deposition prior to the December 19 date ordered by the Court.

19 D. Plaintiff and Defendant have agreed to extend the deadline for the Defendant
20 to appear for its deposition in connection with the pending motion provided that the
21 briefing and hearing schedule on the motion is extended accordingly.

22 **STIPULATION**

23 Based upon the foregoing, the parties hereby stipulate, by and through their
24 counsel of record, as follows:

- 25 1. Defendant's deposition shall take place on January 13, 2012.
- 26 2. The time for Plaintiff to respond to Defendant's motion to dismiss shall be
27 extended to January 25, 2012. Plaintiff will file its opposition to Defendant's motion to
28

1 dismiss on or before January 25, 2012, and Defendant's reply in support of its motion to
2 dismiss will be filed on or before February 1, 2012.

3 3. The hearing on Defendant's motion to dismiss shall be continued to a ~~date~~
4 ~~and time to be set by the Court, following the filing of Defendant's reply.~~
5 February 14, 2012 at 10:00 a.m. The court is disinclined to grant any further continuance
6 of the motion to dismiss.

7 Dated: December 5, 2011

Respectfully submitted,
GREENBERG TRAURIG, LLP

9
10 By: /s/ Lisa C. McCurdy
LISA C. McCURDY
Attorneys for Plaintiff
WEST MARINE, INC.


11
12
13 DATED: December 5, 2011

MOUNT, SPELMAN & FINGERMAN, P.C.

15 By: /s/ Daniel H. Fingerman
16 DANIEL H. FINGERMAN
Attorneys for Defendant
17 WATERCRAFT
18 SUPERSTORE, INC.

19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: December 12, 2011

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24 
25 HON. HOWARD R. LLOYD
UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE

GENERAL ORDER NO. 45 DECLARATION

I, Lisa C. McCurdy, hereby attest that I obtained concurrence in the filing of the document by all other signatories to this stipulation and proposed order.

Dated: December 5, 2011

Respectfully submitted,
GREENBERG TRAURIG, LLP

By: /s/ Lisa C. McCurdy
LISA C. McCURDY
Attorneys for Plaintiff
WEST MARINE, INC.